

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0100 – South Congress Storage **Z.A.P. DATE:** June 17, 2008  
Rezoning July 1, 2008

**ADDRESS:** 8008 South Congress Avenue

**OWNER:** Mark S. Yandow

**AGENT:** Bryan Webb

**ZONING FROM:** DR

**TO:** CS

**TOTAL AREA:** 6.7 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services (CS-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes a 50-foot wide landscape buffer and a 100-foot wide building setback where the tract abuts Hubach Lane, and limits the number of daily trips to 2,000.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

June 17, 2008: *ITEM PULLED FROM THE AGENDA DUE TO NOTIFICATION ERROR*

July 1, 2008: *APPROVED STAFF'S RECOMMENDATION OF CS-CO DISTRICT ZONING WITH THE CONDITIONS FOR A LIST OF PROHIBITED USES BEING AUTO REPAIR, AUTO RENTAL, AUTO SALES, AUTO WASHING, VEHICLE STORAGE, CONVENIENCE STORAGE, COMMERCIAL BLOOD/PLASMA CENTER, ADULT ORIENTED USES AND PAWN SHOPS SERVICES, 50-FEET LANDSCAPE BUFFER, 100-FEET BUILDING SETBACK ADJACENT TO DR ZONED PROPERTY; AND 2,000 VEHICLE TRIPS.*

*[J. SHIEH, T. RABAGO – 2<sup>ND</sup>] (6-0) J. MARTINEZ; K JACKSON – ABSENT, 1 VACANCY ON THIS COMMISSION*

### **ISSUES:**

The Applicant would like to discuss with the Council removing the following three uses from the prohibited use list: automotive washing (of any type), convenience storage and vehicle storage. Please refer to the Applicant's letter attached at the back of the Staff packet.

### **DEPARTMENT COMMENTS:**

The subject property contains a recreational vehicle and boat storage facility, and a convenience storage facility fronting South Congress Avenue and is zoned development reserve (DR) district. Hubach Lane extends as an unpaved driveway from South Congress and forms the western boundary of this tract; Surveyor's research has not identified it as an easement or a public right-of-way. With the exception of a large tract of land adjacent to the west which contains a limited number of single family residences (DR), the surrounding area consists of intensive commercial and industrial uses. There is an auto salvage operation

adjacent to the north (DR), three residences adjacent to the south (zoned CS-CO), a vehicle impound yard further south (LI-CO), and undeveloped land to the east (GR; LI-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the tract to the general commercial services (CS) district which would account for the existing uses and also has plans to redevelop a portion of the South Congress frontage (approximately 20,000 square feet) for commercial development. Please refer to Exhibit B. In consideration of the property's location within a traditionally intensive commercial and industrial area, zoning case histories, and frontage on a major arterial, Staff recommends the Applicant's CS-CO district. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes greater compatibility with the residential uses to the west where it abuts Hubach Lane by requiring a 50-foot wide landscape buffer and a 100-foot wide building setback along these property lines; and limits the number of daily trips to 2,000.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	RV & boat storage; Convenience storage
<i>North</i>	DR	Auto salvage
<i>South</i>	CS-CO; LI-CO	Three single family residences; Vehicle impound yard facility
<i>East</i>	GR; LI-CO	Auto salvage; Capital Area Food Bank; Undeveloped
<i>West</i>	DR; SF-4A-CO	Existing single family residences; 131 single family residential lots and detention pond in the Peaceful Hill subdivision

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** South Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
 262 – Beaconridge Neighborhood Association  
 300 – Terrell Lane Interceptor Association  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 646 – Circle S Ridge Neighborhood Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 948 – South by Southeast Neighborhood Organization  
 1037 – Homeless Neighborhood Association

**SCHOOLS:**

Williams Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0050 – Clark & Southside 13	DR; RR-CO; SF- 2 to CS	To Grant CS-CO with the CO for list of prohibited uses being auto-related uses including vehicle storage, convenience storage, commercial blood plasma center, adult businesses and pawn shops; 50' landscape buffer, 100' building setback adjacent to DR zoned property & 2,000 trips.	Approved CS-CO as Commission recommended except for removing convenience storage and vehicle storage use from the prohibited use list (6-18-08).
C14-06-0078 – South IH-35 Transit Facility	GR to LI-PDA	To Grant LI-PDA with 3 conditions of the Environmental Board	Approved LI-PDA with 3 conditions on 1 <sup>st</sup> Reading (11-16- 06). Case subsequently withdrawn by the Applicant.
C14-86-137 (RCT) – Peaceful Hill	To terminate the Restrictive Covenant addressing access, minimum lot size, prohibited uses and a landscape buffer	To Grant the termination.	Approved the termination (06-22- 06).
C14-05-0034.SH – Peaceful Hill Subdivision	SF-6; W/LO; LI; DR to SF-4A	To Deny SF-4A	Approved SF-4A-CO with CO for: 1) 2,000 trips; 2) prohibit access to Peaceful Hill Lane; 3) a residential use shall comply with the measures under Section 25-13-44 (Airport Overlay Land Use Table) that

			<p>achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels; 4) a 30-foot wide rear yard setback shall be established for a residential structure adjacent to a non-residential use or zoning district; and 5) the maximum height is one story adjacent to Crippen Sheet Metal.</p> <p><b>Restrictive Covenant</b> for: 1) the Neighborhood Traffic Analysis; 2) construction of a pedestrian accessway to Peaceful Hill Lane; 3) center turn lane along Ralph Ablanedo Drive frontage; 4) 6' high solid masonry wall along property lines that do not abut Ralph Ablanedo Drive on the south and Peaceful Hill Lane on the west, and 5) an 8-foot high solid fence along the east property line (12-15-05).</p>
C14-00-2018 – Wattinger Acres	DR to LI	To Grant LI-CO	<p>Approved LI-CO with CO for 2,000 trips; no access to Hubach Lane; prohibited uses of scrap &amp; salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-00).</p>
C14-99-0039 – Mickey Rich	DR to CS-1; LI	CS-1 request withdrawn; To Grant	<p>Approved LI-CO with CO for 2,000 trips;</p>

Plumbing and Heating, Inc.		LI-CO with conditions	prohibited uses; no access to Hubach; F.A.R. limited to 0.039 to 1 for retail uses (8-19-99).
C14-95-0048 – NFP Partnership Zoning Change	DR; SF-2 to LI	To Grant	Approved LI-CO with conditions including performance standards (6-22-95).
C14-91-0047 – Dave Transportation Services, Inc.	DR; SF-2 to LI	To Grant LI	Approved LI-CO with CO to prohibit general retail sales (general and convenience), PDA performance standards and no structure within 25' of the front yard (7-11-91).

**RELATED CASES:**

The property was annexed into the City limits in November 1984. There are no pending subdivision or site plan applications on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
South Congress Avenue	175 feet	70 feet	Arterial (6,600)	Yes, Priority 1	No	Yes, Route 201
Hubach Lane (a private easement)	20 feet	Unpaved	N / A	No	No	No

**COUNCIL DATE:** August 7, 2008

**ACTION:** Approved a Postponement request by the Applicant to August 21, 2008 (7-0).

August 21, 2008

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades

**PHONE:** 974-7719

e-mail: [wendy.rhoades@ci.austin.tx.us](mailto:wendy.rhoades@ci.austin.tx.us)



ZONING EXHIBIT A

OPERATOR: S. MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

$$1'' = 400'$$







8008 S. Congress, Austin, TX 78745  
 South Congress Storage Potential Site Plan

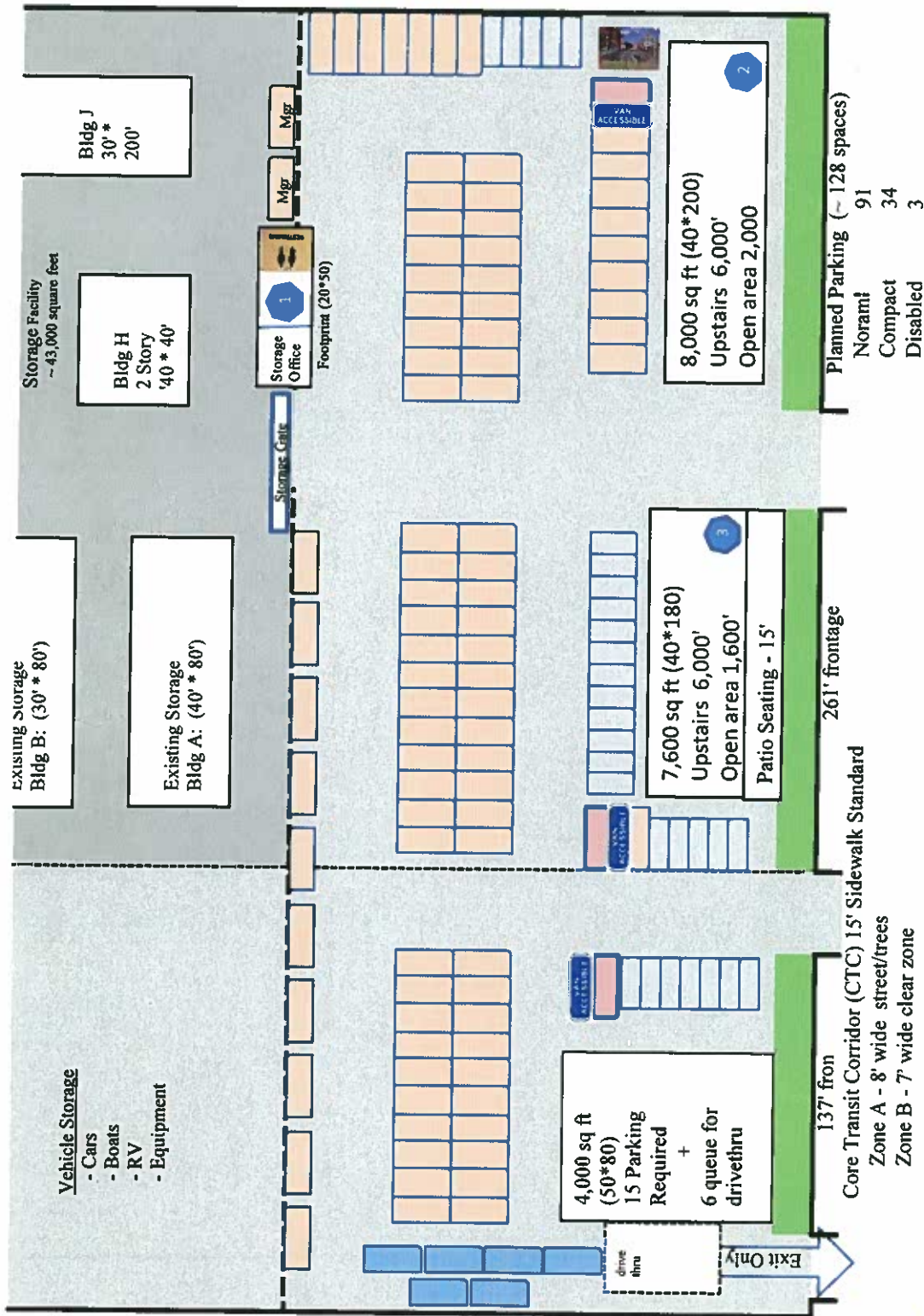


Exhibit B

North

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general commercial services (CS-CO) combining district zoning. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes a 50-foot wide landscape buffer and a 100-foot wide building setback where the tract abuts Hubach Lane, and limits the number of daily trips to 2,000.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

CS, General Commercial Services district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The property has frontage along South Congress Avenue.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

In consideration of the property's location within a traditionally intensive commercial and industrial area, zoning case histories, and frontage on a major arterial, Staff recommends the CS-CO district. The Conditional Overlay prohibits adult-oriented businesses and pawn shop services; establishes greater compatibility with the residential uses abutting Hubach Lane by requiring a 50-foot wide landscape buffer and a 100-foot wide building setback along these property lines; and limits the number of daily trips to 2,000.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is developed with recreational vehicle and boat storage, and a convenience storage facility, and is relatively flat.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive watershed regulations described below.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the South Boggy Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

No additional right-of-way is needed for Congress Avenue at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117].

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Site Plan and Compatibility Standards**

Any new development is subject to Subchapter E: Design Standards and Mixed Use. Depending on the time of site plan application, the standards for development will either be for a project located along a Suburban Roadway or a Core Transit Corridor. Currently, South Congress Avenue at this location is a Suburban Roadway, however it is marked as a future Core Transit Corridor. Additional comments will be made when the site plan is submitted.

Along the west property line (adjacent to the DR zoned property), a compatibility setback would not apply, however, compatibility standards regarding screening, lighting and dumpster placement would be triggered.





## Memorandum

**To:** Austin City Council  
**Cc:** Wendy Rhoades; Bryan Webb (representative)  
**From:** Mark S. Yandow, Owner  
**Date:** 7/17/2008  
**Re:** 8008 South Congress, Austin, TX

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This communication is to request that the City Council date to discuss the referenced property be changed from August 7<sup>th</sup> to August 21<sup>st</sup>, and that the City Council considers removal of certain exclusions proposed by the ZAP Commission.

*The ZAP Commission recommendation:*

*APPROVED STAFF'S RECOMMENDATION OF CS-CO DISTRICT ZONING WITH THE CONDITIONS FOR A LIST OF PROHIBITED USES BEING AUTO REPAIR, AUTO RENTAL, AUTO SALES, AUTO WASHING, VEHICLE STORAGE, CONVENIENCE STORAGE, COMMERCIAL BLOOD/PLASMA CENTER, ADULT ORIENTED USES AND PAWN SHOP SERVICES, 50-FEET LANDSCAPE BUFFER, 100-FEET BUILDING SETBACK ADJACENT TO DR ZONED PROPERTY; AND 2,000 VEHICLE TRIPS.*

The property is currently improved with approximately 40,000 square feet of mini storage and 195 vehicle parking spaces, and new zoning should permit the existing use, which was recently granted to other nearby property. Our basic intentions are to:

- improve the curb appeal from South Congress
- incorporate Core Transit Corridor development guidelines (parking in the rear, front buffer)
- add covered and enclosed parking into the vehicle storage area
- develop the South Congress frontage with commercial type buildings (replace vehicle storage in the front ~200' with buildings)

One use that we are considering is Auto Washing and request that this potential use be permitted. This can be developed to look nice, be consistent with other development, and it complements the existing use. I want to thank you in advance for your consideration.

Respectfully,

**Mark S Yandow**

Mark S. Yandow, Owner  
[Marksyandow@yahoo.com](mailto:Marksyandow@yahoo.com)

Attachments:

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